

Organization _____ Bldg./Room _____
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450

Alexandria, VA. 22313-1450

If Undeliverable Return In Ten Days

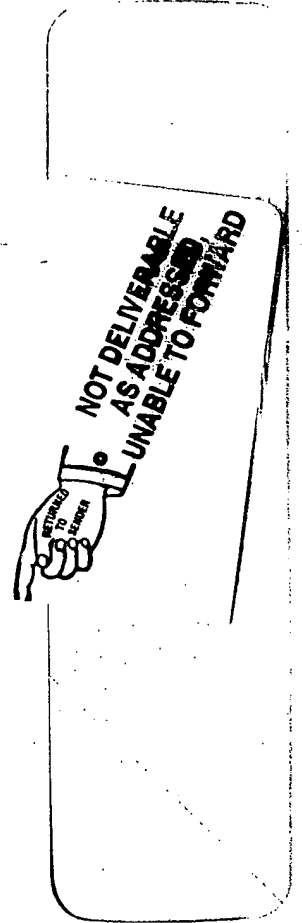
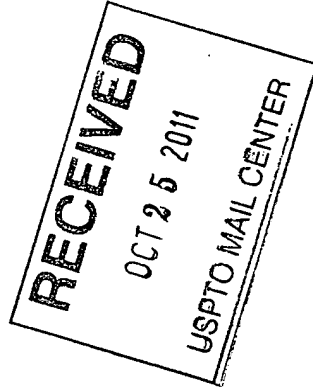
AN EQUAL OPPORTUNITY EMPLOYER

Official Business

Penalty For Private Use, \$300

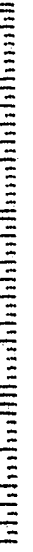


02 1M \$00.44⁰
0004244975 OCT 11 2011
MAILED FROM ZIP CODE 22314



UTF

57105335802 0003





UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

Kaardal & Associates PC
Attn Ivar M Kaardal
Circle-Suite 250
3500 South First Avenue
Sioux Falls SD 57105-5807

MAILED

OCT 11 2011

In re Application of	:	OFFICE OF PETITIONS
Simmons	:	
Application No. 09/595,473	:	
Patent No. 6,378,463	:	DECISION ON RENEWED PETITION
Filed: June 16, 2000	:	PURSUANT TO 37 C.F.R.
Issue Date: April 30, 2002	:	\$ 1.378(E)
Title: INTERACTIVE PET DEVICE	:	

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.378(e), filed on July 11, 2011, requesting reconsideration of a prior decision pursuant to 37 C.F.R. § 1.378(b), which refused to accept the delayed payment of maintenance fees for the above-referenced patent.

The patent issued on April 30, 2002. The grace period for paying the 3½-year maintenance fee provided in 37 C.F.R. § 1.362(e) expired at midnight on April 30, 2006, with no payment received. Accordingly, the patent expired on April 30, 2006 at midnight.

Any petition to accept an unavoidably delayed payment of a maintenance fee filed under 37 C.F.R. § 1.378(b) must include:

- (1) the required maintenance fee set forth in 37 C.F.R. § 1.20 (e) through (g);
- (2) the surcharge set forth in 37 C.F.R. § 1.20(i)(1), and;
- (3) a showing that the delay was unavoidable since reasonable care was taken to ensure that the maintenance fee would be

TFW

paid timely and that the petition was filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent - the showing must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

An original petition pursuant to 37 C.F.R. § 1.378(b) was filed on July 26, 2010, along with the surcharge associated with a petition to accept the late payment of a maintenance fee as unavoidable, both the 3½-year and the 7½-year maintenance fees, and a statement of facts.

The original petition pursuant to 37 C.F.R. § 1.378(b) was dismissed via the mailing of a decision on September 7, 2010, which indicated that the first and second requirements of Rule 1.378(b) had been satisfied, and set a two-month period for response.

A renewed petition pursuant to 37 C.F.R. § 1.378(e) was filed on July 11, 2011, and a request for more information was mailed on July 28, 2011.

With the response to the aforementioned request for more information, submitted on August 24, 2011, Petitioner has included, *inter alia*, the \$400 fee associated with the filing of a renewed petition pursuant to 37 C.F.R. § 1.378(e).

A review of the electronic record has been completed and it is determined that the third requirement of 37 C.F.R. § 1.378(b) has been satisfied.

Petitioner has met each of the three requirements of 37 C.F.R. § 1.378(b). Petitioner has demonstrated to the satisfaction of the Director that the delay in timely paying the maintenance fee was unavoidable. Consequently, this renewed petition pursuant to 37 C.F.R. § 1.378(e) is **GRANTED**.

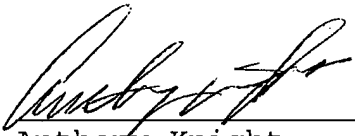
The above-identified patent is hereby reinstated as of the mail date of this decision.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of fee

address (form PTO/SB/47) and a request for customer number (form PTO/SB/125) should be filed in accordance with Manual of Patent Examining Procedure, section 2540. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Inquiries pertaining to the submission of maintenance fees should be directed to the Maintenance Fee branch at 571-272-6500.

Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.¹



Anthony Knight
Director
Office of Petitions

cc: Francis Simmons
839 N. Sacramento
Chicago, IL 60622

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).